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**BEFORE THE FLORIDA JUDICIAL QUALIFICATIONS COMMISSION**

INQUIRY CONCERNING A JUDGE, NO. 01-244  
(Judge Charles W. Cope)

Case No. SC01-2670

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**SPECIAL COUNSEL'S MOTION**

**TO SHORTEN TIME TO ANSWER SECOND INTERROGATORIES**

Pursuant to Florida Judicial Qualifications Commission Rule 12(a) and Rule 1.340, Florida Rules of Civil Procedure, the Special Counsel hereby moves for an order shortening the time for Respondent to answer the Special Counsel's Second Interrogatories and states:

1. On February 8, 2002, the Special Counsel served the Second Set of Interrogatories to Respondent, a true and correct copy of which is attached as **Exhibit A** hereto, consisting of two interrogatories.

2. The Special Counsel requires answers to both interrogatories in time to prepare for the deposition of Respondent set for March 8, 2002.

3. Pursuant to Rules 1.090(e) and 1.340(a), Florida Rules of Civil Procedure, Respondent does not have to answer these interrogatories until thirty-five after the date they were served, unless the Panel shortens the time. This would make the answers due March 15, 2002.

4. On January 22, 2002, the Hearing Panel announced a stay of all discovery pending the criminal proceedings against Respondent in California.

5. The stay was lifted by order dated February 5, 2002. The Special Counsel promptly prepared the Second Set of Interrogatories after the stay was lifted.

6. The Special Counsel needs to have the answers at least 48 hours prior to the Respondent's

deposition, which is set for March 4, 2002. This will still give Respondent over twenty days to answer the two interrogatories.

7. The two interrogatories should not require substantial time for the Respondent to answer.

8. The Hearing Panel's scheduling order, dated February 15, 2002, sets a deposition cut-off date of March 18, 2002, specifically requiring Respondent's deposition to be taken prior to that date. Therefore, postponing Respondent's deposition is not an option.

9. By letter dated February 8, 2002, the Special Counsel asked counsel for Respondent whether Respondent objects to this request. Despite asking for a response by February 12, 2002, the Special Counsel has not received word one way or the other from Respondent regarding this motion.

WHEREFORE, the Special Counsel respectfully requests the Hearing Panel to enter an order shortening the time for Respondent to answer the Second Interrogatories and making the answer due to be served by facsimile or hand delivery no later than Friday, March 1, 2002.

### **CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been furnished by facsimile and regular U.S. mail to: **Louis Kwall, Esq.**, Kwall, Showers & Coleman, P.A., 133 N. St. Harrison Ave., Clearwater, Florida 33755; **Robert W. Merkle, Jr., Esq.**, Co-Counsel for Respondent, 5510 W. LaSalle Street, #300, Tampa, Florida 33607-1713; **Judge James R. Jorgenson**, Chair of the Judicial Qualifications Commission Hearing Panel, 3rd District Court of Appeal, 2001 S.W. 117th Ave., Miami, Florida 33175-1716; **John Beranek, Esq.**, Counsel to the Hearing Panel of the Judicial Qualifications Commission, P.O. Box 391, Tallahassee, Florida 32301; **Brooke S. Kennerly**, Executive Director of the Florida Judicial Qualifications Commission, 1110 Thomasville Road, Tallahassee, Florida 32303; **Thomas C. MacDonald, Jr., Esq.**, General Counsel to the Investigative Panel of the Judicial Qualifications Commission, 100 North Tampa Street, Suite 2100, Tampa, Florida 33602 this 20th day of February, 2002.

By:  
John S. Mills, Esq.  
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